

ASSIGNMENT

WHEREAS, I, Paul L. Kornblith residing in the City of Pittsburgh, County of Allegheny, Commonwealth of Pennsylvania have invented certain new and useful improvements in "Precise Efficacy Assay Methods For Active Agents Including Chemotherapeutic Agents" which is described and claimed in U.S. Application Serial No. 08/679,056, filed July 12, 1996;

AND, WHEREAS, Precision Therapeutics, Inc., a corporation of Pennsylvania, having a place of business at 3636 Boulevard of the Allies, Pittsburgh, Pennsylvania 15213 hereinafter called the "assignee", is desirous of acquiring the entire right, title, and interest in and to said application and the inventions and improvements therein disclosed.

NOW, THEREFORE, for good and valuable consideration paid to me by said assignee, the receipt of which is hereby acknowledged, I do hereby assign, sell, transfer, and set over unto said assignee the entire right, title and interest in and to said application and the inventions and improvements therein disclosed for the United States and all foreign countries and any Letters Patent which may issue therefor in the United States and all foreign countries and all divisions, reissues, continuations, continuations-in-part, renewals, and/or extensions thereof, said assignee to have and to hold the interests herein assigned to the full ends of the terms of said Letters Patent and any and all divisions, reissues, continuations, continuations-in-part, renewals, and/or extensions thereof, respectively, as fully and entirely as the same would have been held and enjoyed by me had this assignment not been made.

The Commissioner of Patents and Trademarks is requested to issue such Letters Patent in accordance herewith. I covenant that I am the lawful owner of the said application, inventions, and improvements, that the same are unencumbered, that no license has been granted to make, use, or vend the said inventions or improvements or any of them, and that I have the full right to make this assignment.

And for the consideration aforesaid, I agree that I will communicate to said assignee or the representatives thereof any facts known to me respecting said inventions and improvements, and will, upon request, but without expense to me, testify in any legal proceedings, sign all lawful papers, execute all divisional, reissue, continuation, continuation-in-part, renewal, and/or extension applications, make all rightful oaths, and generally do all other and further lawful acts, deemed necessary or expedient by said assignee or by counsel for said assignee, to assist or enable said assignee to obtain and enforce full benefits from the rights and interests herein assigned. This assignment shall be binding upon my heirs, executors, administrators, and/or assigns, and shall inure to the benefit of the heirs, executors, administrators, successors, and/or assigns, as the case may be, of said assignee.

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RECEIVED

EXECUTED

Sept 25

, 1996.

Paul L Kornblith  
Paul L. Kornblith

COMMONWEALTH OF PENNSYLVANIA

SS:

COUNTY OF ALLEGHENY

Before me, a Notary Public in and for the said County and Commonwealth personally appeared Paul Kornblith, who acknowledged that he is the person who executed the foregoing assignment and acknowledged it to be his free and voluntary act and deed.

Witness my hand and notarial seal this 25 day of SEPTEMBER, 1996.

[NOTARIAL SEAL]

Lee Roy Myers  
Notary Public

Notarial Seal  
Lee Roy Myers, Notary Public  
Ross Twp., Allegheny County  
My Commission Expires May 3, 1999  
Member, Pennsylvania Association of Notaries

DECLARATION AND POWER OF ATTORNEY

Paul L. Kornblith, declares:

I am a citizen of the United States of America and a resident of the City of Pittsburgh, County of Allegheny, Commonwealth of Pennsylvania, whose post-office address is 907 Settler's Ridge Road, Pittsburgh, Pennsylvania 15238.

I believe myself to be the original, first and sole inventor of the improvement entitled "Precise Efficacy Assay Methods For Active Agents Including Chemotherapeutic Agents" which is described and claimed in U.S. Application Serial No. 08/679,056, filed July 12, 1996.

I have reviewed and understand the contents of the specification, including the claims.

I do not know and do not believe that the same was ever known or used in the United States before my invention thereof; or patented or described in any printed publication in any country before my invention or more than one year prior to this application; or in public use or on sale in the United States more than one year prior to this application.

Said invention has not been patented or been made the subject of an inventor's certificate in any country foreign to the United States on an application filed by me or my legal representatives or assigns more than twelve months prior to this application.

I acknowledge my duty to disclose information of which I am aware which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

No application for patent or inventor's certificate thereon has been filed by me or my legal representatives or assigns in any country foreign to the United States.

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

I hereby appoint Barbara E. Johnson, Registration No. 31,198; William H. Webb, Registration No. 13,467; David C. Bruening, Registration No. 20,742; William H. Logsdon, Registration No. 22,132; Russell D. Orkin, Registration No. 25,363; David C. Hanson, Registration No. 23,024; Richard L. Byrne, Registration No. 28,498; Frederick B. Ziesenheim, Registration No. 19,438; Kent E. Baldauf, Registration No. 25,826; Paul M. Reznick, Registration No. 33,059; John W.

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McIlvaine, Registration No. 34,219; Michael I. Shamos, Registration No. 30,424; Blynn L. Shideler, Registration No. 35,034; Julie W. Meder, Registration No. 36,216; Lester N. Fortney, Registration No. 38,141; and Randall A. Notzen, Registration No. 36,882, whose post-office address is 700 Koppers Building, 436 Seventh Avenue, Pittsburgh, Pennsylvania 15219-1818, Telephone No. 412-471-8815, my attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, to amend the specification, to appeal in case of rejection, as they may deem advisable, to receive the patent when granted and generally to do all matters and things needful in the premises, as fully and to all intents and purposes as I could do.

All correspondence and telephone calls should be addressed to Barbara E. Johnson.

I hereby subscribe my name to the foregoing specification and claims, declaration and power of attorney this 25<sup>th</sup> day of Sept, 1996.

Inventor

Paul L. Kornblith  
Paul L. Kornblith

**0907-686X**

I hereby declare that I am

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

the specification filed herewith.  
X application serial no. 08/679,056, filed 7/12/96  
 patent no. \_\_\_\_\_, issued \_\_\_\_\_

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e). \*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
INDIVIDUAL SMALL BUSINESS CONCERN NONPROFIT ORGANIZATION

NAME \_\_\_\_\_  
 ADDRESS \_\_\_\_\_  
 INDIVIDUAL                      SMALL BUSINESS CONCERN                      NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Paul Kornblith  
TITLE OF PERSON IF OTHER THAN OWNER President  
3636 Boulevard of the Allies  
ADDRESS OF PERSON SIGNING Pittsburgh, PA 15213  
SIGNATURE Paul Kornblith DATE 9/25/96